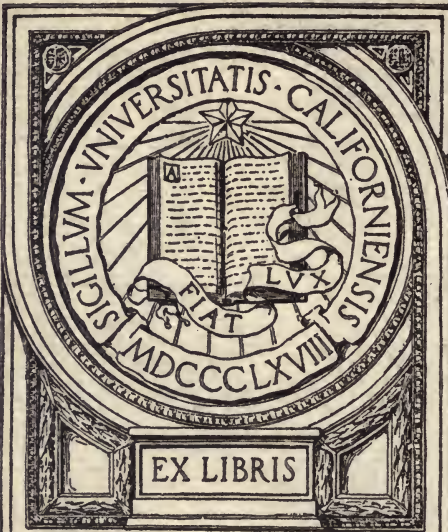


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HON. RICHARD PARKER, OF VIRGINIA,

ON THE

PRESIDENT'S MESSAGE IN RELATION TO CALIFORNIA.

DELIVERED

IN THE HOUSE OF REPRESENTATIVES, THURSDAY, FEBRUARY 23, 1850.

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1850.





## CALIFORNIA—THE SLAVE QUESTION.

The House being in Committee of the Whole on the state of the Union, on the President's Message communicating the Constitution of California.

Mr. PARKER said:

Mr. CHAIRMAN: When in December last we assembled here from the different portions of the Confederacy, there appeared amongst us a disposition to cultivate kind feelings with each other, and to meet in a spirit of frankness the various questions of difference amongst us. And from all I then heard from northern gentlemen on this side of the chamber, I did not for a moment doubt that an honest, and, I believed, a successful effort would be made to accommodate, in a manner satisfactory to all, the dissensions existing amongst us in reference to the slavery question.

Diversity of opinion on this subject had for a long time disturbed those amicable relations which should prevail in a Confederacy of sovereign States, and was threatening the very existence of that Confederacy; and it was hoped—I may say the country expected—that all her representatives would unite in one energetic effort to restore harmony to our Federal councils, and by removing the causes for disquiet and apprehension, to place upon a yet more stable foundation the destinies of this glorious republic. To effect this great and hallowed work, it had the right to expect that we should meet in this hall, as the representatives of independent yet united States should meet, with feelings of patriotism in our breasts, with a love of country which would enable us to bear with much for its welfare, with a sincere purpose to deliberate calmly upon the troubles and the dangers which surround us—in a word, in a spirit of conciliation, as men resolved to practice towards each other and towards all portions of the Confederacy, that courtesy of demeanor and charity of feeling so necessary for the advancement of the public weal.

Meeting in such a spirit, and acting in accordance with its demands, we might have drawn still more closely together the bonds which unite us; we might have hoped that success would crown our efforts, and that we might have settled, once and for ever, the only subject that could possibly disserve the Union.

But, I regret to say it, these good feelings seem to have been displaced by feelings of a very different character. And northern men and southern men, in appearance, have occupied towards

each other on this floor rather the attitude of the representatives of hostile nations than that of members of the same legislative council.

That we from the South should speak warmly, whenever any attempt was made to restrict or encroach upon our rights, in a matter of such vital concern to us, was natural—was to be expected. In truth, we should be false to our constituents, false to the feelings they entertain upon the subject of these attacks upon our guaranteed rights, if we did not speak in the language of firmness and determination. We at the South do believe that, for the last thirty years, you of the North, from feelings of a blind, but not the less hurtful philanthropy, with some; from an anxiety for political power with others; and with others still, from more improper motives, have violated, to our injury and oppression, the most sacred guarantees of the Constitution, and have assumed to this Government powers which never were granted to it, and never would have been granted by that portion of the Confederacy from which we come. It is our duty, then, to warn you—not in tones of anger or defiance, yet in the language of a fixed resolution—that the course you are pursuing may involve both you and us in one common calamity. Now, gentlemen from the North choose to consider the language of warning as the language of defiance, and permit themselves to be excited beyond measure, and, I must say, often to the perversion of our real meaning into something intentionally offensive to themselves. Thus, when my colleague from the Richmond district, some time since called upon the President, in the name of the State which had given him birth—of the State which had adopted him as her son—and of the State where he had fixed his home, and where his friends and neighbors lived—that he, at least, should not be found using the influence of his high position to fasten upon the South terms injurious to her interests and degrading to her honor; and, to make his appeal still more effective, reminded the President, that on that battle-field which has covered him with glory, and has raised him to the highest office known to our laws, he was sustained by men from all portions of the Union—from the South as well as from the North—by the brave Mississippians, as well as by the gallant Indians—gentlemen have chosen, not willfully, but under the influence of excitement, to pervert the sole and only object of my colleague into one of vainglorying on his part of the prowess of southern troops, when contrasted with troops from



other portions of the Confederacy. And under this impression the honorable gentleman from Illinois [Mr. BISSELL] indulged in a strain of remark by no means calculated to restore harmony to this House—a strain of remark which grated harshly on every southern ear. Himself a gallant soldier, he has not been content to claim for those who on that great day fought under his immediate command, the tribute of praise to which they are justly entitled, and which the whole country has long since awarded; but to judge him by his speech, and the manner in which it was delivered, he has virtually denied that the Mississippi regiment was entitled to any praise for its bearing and services in that battle.

Mr. BISSELL. I expressly disaffirm all intention, in the remarks I submitted to this committee on a former occasion, of casting any imputation on the Mississippi regiment. I could not have been so unjust to that regiment, or to myself. My object solely was to remove an erroneous impression which had been created, as I thought, unintentionally, of course, by the remarks of the gentleman from Virginia, [Mr. SEDDON,] in reference to certain incidents of the battle of Buena Vista. I take pleasure in saying now, as I have always said, that the Mississippi regiment bore itself as gallantly on that field as any other regiment there.

Mr. PARKER resumed and said, I understood the honorable gentleman as he now explains himself. I was confident it was not his intention to deny those services. They were too well known to induce me to think for an instant that he was denying them. But still, under the excitement of the moment, he did not mention them; and if it should chance that the honorable gentleman's speech, as delivered here, should be the only record of the conflict at Buena Vista that should descend to future times, it might appear that a southern regiment had claimed the greatest honors of the day, when, in truth, it was not even engaged in the fight; for all that he said of that regiment is, that it was a mile and a half distant from the field. Now, will the honorable gentleman wonder that southern men manifest occasional excitement, when questions of the most vital concern to their constituents are agitated here from day to day, when so unfounded a suspicion of wrong to him and others, being intended where none was thought of, caused him to forget what was due to gallant southern men who, with him, bore the toils and the dangers of the fight?

But again, the honorable gentleman has thought proper to sneer at the bravery of the southern people. He has told us, you are brave men, I admit; aye! as brave as your fathers—not braver—who permitted a small, ill-equipped, enervated body of British troops, not 4,500 in number, to march to the seat of Government, burn its Capitol, destroy its archives, and this almost without a blow. Did the honorable gentleman say this by way of taunt? And is it his settled purpose to arouse a feeling in this House, which must necessarily preclude even the hope of arranging that troublesome question, which presses so heavily upon us? If so, I think he mistakes his duty as a representative, whose leading wish should ever be to promote, in every proper way, and on all suitable occasions, the purposes for which, as the Constitution itself declares, this Government was formed; I mean “in order to create a more per-

fect union, establish justice, and insure domestic tranquillity.” These objects, surely, are not advanced by the course which the honorable gentleman from Illinois is pursuing.

And then, again, the honorable gentleman has informed the House and the country, that Illinois, which furnished nine regiments for the Mexican war, will furnish thirty-six regiments to suppress and put down all tumultuous or revolutionary movements in the South. Why really, sir, I might retaliate on the honorable gentleman, and say of him, what he said of southern men, that he, too, at times indulges in a little gasconade; but I will not do so, my object being peace and harmony. I will, however, advise the honorable gentleman to reflect more carefully upon the nature of the governments under which we live, and of the relations of the States of this Union towards each other and towards this Federal Government, before he again threatens to interfere, by armed force, with the action of independent sovereign States. Such studies may be more useful than his enumeration of the cohorts the North will throw upon us, in the event, that by your own folly and injustice, you drive us to seek for happiness apart from all connection with you. Now, sir, I will again say that a discussion, conducted in this temper, and with such allusions, is much to be deprecated. The public interests cannot be advanced by it, but, on the contrary, must suffer from every manifestation of bad feeling in this hall; and I therefore hope that we will, each of us, restrict ourselves to a fair, full, and free examination of the various questions of complaint now before us for consideration. It is in this spirit I engage in an investigation of these several questions; but before doing so, I would assure the honorable gentleman from Illinois, that in what I have said of the course of remark adopted by him the other day, it is very far from my intention to wound his sensibilities, or to detract in any way from the enviable position he has won for himself by his gallant bearing in our war with Mexico.

I have said that, for years past, we at the South have had many and good causes of complaint for injuries inflicted by the North.

Before, however, entering upon the consideration of these topics, permit me to allude to some of the many unfounded complaints which, since the commencement of this session, northern representatives have made against us of the South.

In the first place, it is asserted that in all our former acquisitions of territory—of Louisiana, of Florida, and of Texas—the South has been influenced by the most selfish motives, and has insisted on these additions because they would be to its peculiar advantage; and that in each of these instances we have been guilty of aggressions upon the North. Now, sir, Louisiana was purchased to secure to the whole country, and especially to the great Northwest, the full and complete control of the Mississippi river. This was the necessity for its purchase—a necessity not originating in any intention to aggrandize the power of the South. And so again with Florida. The interests of the whole country required the extinction of the title of Spain, whose authority over that country was so slight, that she had abandoned it almost entirely to bands of savages, who, led on by unprincipled adventurers, were giving constant annoyance and doing serious injury to the Union



in many of its most essential interests. Besides, we gave for Florida other southern territory, more important to Spain because more convenient to her other possessions on this continent; and thus by its acquisition we did not in any degree add to the extent of southern territory. And when it was proposed to annex Texas to our Union—Texas, which once was part of that Union—did not the North as well as the South speak out boldly in her behalf, and demand her annexation on grounds of high State policy? Our soundest statesmen regarded her annexation as essential to the peace and welfare and power of the Union. Foreign nations took the same view, and England and France exhausted all the arts of diplomacy to prevent this great result. And gentlemen from the North are now doing injustice to their own patriotic efforts in 1844, when they cite the annexation of Texas as an evidence of southern aggression, and say that it was effected against the convictions and the wishes of the North. In fact it was neither North nor South that has made these extensions of our empire. They are the glorious fruits of that republican policy which has no sectional views, and which has ever looked, and I trust ever will look, to the welfare of the Union, and the whole Union.

And this same enlarged and catholic spirit, which in 1844 induced the northern Democracy to extend the area of our Union by embracing within it the State of Texas, has ever been reciprocated by the South.

In the Revolution, the South sent her sons to perish on northern fields, in defence of northern soil. Yes! in that struggle North and South stood shoulder to shoulder by each other. The war of 1812 was waged for rights peculiarly dear to the commercial States of the North. It was waged for "free trade and sailors' rights"—rights in which the South felt no peculiar concern, but which she maintained with as much spirit as if her own dearest interests were involved. So we of the South stood by you in your controversy respecting your northeastern boundary; and still later, though threatened with the power of England, when the time had come for asserting your claim to the far northern territory of Oregon.

But an honorable gentleman from Ohio [Mr. CAMPBELL] complained that the South had repealed the tariff acts of 1828 and 1842, and spoke of these acts of repeal as *aggressions* upon the North, and upon northern capital. This discovery is entirely due to that gentleman, and I feel confident no one will contest with him the merit of having made it. Why, sir, those acts had proved of the greatest injury to every interest in the country, excepting the manufacturing interest only. Our selfish policy, as developed in them, had closed against us the markets of the world, and left the rich and varied productions of the earth to waste upon our hands, and our shipping to rot, for want of employment, at their wharves. Their repeal has given a new impulse to each of these employments; and, under the genial influence of our present tariff act, the husbandman is sure to receive that reward which is due to his industry; and our commerce, unshackled, once more whitens every ocean, bearing upon its bosom the productions of every clime, and free to contribute to the comfort and relief of man wherever he is to be found. And yet the honorable gentleman speaks

of laws that have proved thus beneficial, as *aggressions* upon the North.

I now leave the consideration of charges such as these, and will briefly examine the justice of those complaints which the entire South utters against the North.

And, in the first place, gentlemen of the North, permit me to direct your attention to a subject of complaint, about which the people I represent feel the greatest anxiety and concern—I mean the conduct of your people, of your judges, and your legislatures with respect to the restoration of fugitives from labor.

It is well known that the Articles of Confederation contained no provision for the restoration of such of our slaves as might flee from one State to another. And prior to the adoption of our Constitution, the want of such a provision subjected those States most interested in slavery to great inconvenience, annoyance, and loss. We also know that this entire subject was carefully considered in the Convention which framed the Constitution; and we further know that the Constitution would never have been adopted, had it not contained that full and complete provision for the protection of our slave property which we find in it. That provision is, that "no person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up, on claim of the party to whom such service or labor may be due."

The object of this provision of the Constitution is too plain to be misunderstood. It was intended to secure to the owner of a fugitive slave the same right to recapture his slave in the State to which he had escaped or fled, that he had in the State from which he escaped. And any law or regulation of any State, which in any way interrupts, limits, delays, or postpones this right, is a violation of this Constitutional guarantee; and any conduct on the part of the citizens of any State, which has such an effect, is reprehensible in the extreme, is a violation of the supreme law of the land, and should be punished in the most exemplary manner. Such is the compact, the solemn stipulation, which you made with us. And I now ask, how has it been kept on your part? Yes, although the members of your several State Legislatures, and all your Executive and Judicial officers, have each of them sworn to support this Constitution, and, by taking that oath, have sworn to abide by this compact, and to maintain it in full force, how has it been kept? For many years it was construed by your people according to its true intention and design; and a slave escaping into a non-slaveholding State could be pursued, and, in general, as easily apprehended there as in the State from which he fled. But for many years past its obligation has been almost entirely disregarded; and in some of the States every obstacle is thrown in the way of the owner who goes into such States to avail himself of a right secured to him by the Constitution. Your people interpose every difficulty in our way, they cast every insult upon us, and, whenever it is necessary to insure the escape of the slave, they do not hesitate to resort to any degree of violence—a violence sometimes amounting to murder, as in the case of Kennedy, of Maryland. So great, indeed, is the violence to which we are subjected, that I know that no one from my own district



thinks of pursuing his slave into Pennsylvania—that being the State in which the runaway slaves from my portion of Virginia are harbored and concealed—unless he goes armed, prepared to sell his life as dearly as he may, and always in apprehension lest death may be the consequence of his effort to recover a property, which is his by the laws of his own State; his by this provision of the Federal Constitution. Do you say that you cannot guard against these acts of violence—that they are sudden—the acts of mobs you cannot control? In reply, I say your law invites this violence and these mobs. For if, in the attempt to recover his slave, “any tumult” arises, the owner is made responsible for it; and a tumult is therefore always resorted to—it being the very mode for an escape pointed out by your laws. Again, your law makes it highly penal in any officer or citizen in any way to aid the claimant in the recovery of his property. You further deny to him the privilege of securing his property in any “building belonging to the State, or to any town, city, or person therein.” And you punish, by heavy fine or long imprisonment, any magistrate who dares to comply with the duties assigned him by the Act of Congress of 1793.

And now, can the North, which has derived so much benefit, and has grown so great under this Federal Constitution, feel surprised that we call upon her, by the faith she pledged to us in that sacred instrument, and by the obligations she thereby assumed, to stand by this provision made for our benefit? Or can she be surprised that her neglect of the high obligations under which she brought herself by accepting this Constitution, has given rise to disappointment and to much angry feeling on our part? Is she to receive all the advantages of union, and yet not be held bound by this most solemn stipulation—a stipulation so distinct, that no pretext can cover its evasion?

I ask, then, not by way of favor, but as a matter of right, that our northern States do award to us, in spite of all real or assumed prejudice against us and our institutions, precisely that measure of justice which the Constitution intended. Let them, in this matter, act up to its true intent and meaning. We ask nothing more.

Such has been our devotion to the Union, that we have borne, with a patience that surprises ourselves when we think of it, the many serious evils inflicted upon us by your studied denial of this our constitutional right. And such is still our desire to maintain the Union, that we are even now willing to forget and to forgive the past, in consideration of justice hereafter.

But there is another question as important to us of the South as that I have just discussed, scarcely less injurious to her present interests, and, if possible, far more alarming as to its future effects upon our welfare; and that is, your assuming the right to this Government to exclude slavery from the Territories of the United States. These Territories are the common property of the States, acquired by the joint blood and treasure of all, through the agency of this Government. Being thus acquired, they are the property of each of the States, and of all. They are the property of Virginia, as much as of New York or Massachusetts; and are only the property of the United States, because the property of

Virginia and of each of her sister States. And yet, by your clamorous threats to exclude us very from them by law of Congress, you have virtually appropriated them to yourselves, to the detriment of all the southern States and their inhabitants. Is this the treatment which we serve from you, our partners in this Confederacy? Is not this a discrimination against the South, insulting to her honor as it is injurious to her interests? Is it that just division to which we are entitled? Is it wise or politic thus to exclude us from all participation in the fruits of our efforts? And does not such a course hold out to the States thus placed under the ban, the strongest possible motive to withhold from the Federal head all assistance in future wars, the possible result of which may be the acquisition of territory?

But let us leave these general, yet unanswered, appeals to justice and right, and examine where you have the power thus to legislate. The powers granted to this Federal Government are few in number, and limited in extent: and all powers delegated to the United States by the Constitution are reserved to the States respectively, or to the people. And whenever “a question arises concerning the constitutionality of a particular power,” the first question is, whether the power be expressed in the Constitution. If it be, the question is decided. If it be not expressed, the next inquiry must be, whether it is properly an incident to express power, and necessary to its execution. If it be, it may be exercised by Congress. If it be not, Congress cannot exercise it.” This is a test given us by Mr. Madison, in his well known report of 1799–1801, by which to try the validity of all doubtful powers claimed for this Government; and I have quoted its precise language, cause, as authority, it is as much respected, I believe, by Democrats of the North as by those of the South. I therefore invoke my political brethren from that portion of our country to apply the test, as given us by Mr. Madison, to the power to exclude slavery from the Territories by law of Congress; and I entreat them not to permit the question of slavery to be used as a device to draw them into constructions of the Federal Constitution, which hereafter may prove fatal to all their reserved rights. It is wise from time to time to look back to the old landmarks, to determine how far we may have deviated from that boundary line which separates the powers of this Government from those of our respective States. All the tendencies of the times point to consolidation—evil as much to be apprehended by the friends of human liberty as the disruption of our Union in many fragments.

The only clause of the Constitution under which this power is claimed as expressly granted, is that which declares that “the Congress shall have power to dispose of, and make all needful rules and regulations respecting, the territory or other property belonging to the United States.” Now I think it clear that no power to govern the Territories is conferred by this clause of the Constitution, but simply the power to manage and dispose of them as property. It refers to the territory as property, and as property only. The power to dispose of—an expression applicable to property alone. And then that which may be disposed of must belong to the United States—language al-



gether appropriate to territory as property, but unintelligible when applied to territory in any other sense. And "the rules and regulations" which, under this clause of the Constitution, Congress may enact respecting the territory, are simply the rules and regulations which it may enforce as to all other property of the United States.

And again, if the expression "rules and regulations" carries with it the exclusive power of making laws, as is contended, what was the necessity for giving Congress, in another clause of the Constitution, the exclusive power of legislation over such places as might be purchased by Congress for the erection of forts, magazines, arsenals and other needful buildings? For these places when purchased, become property belonging to the United States, respecting which Congress may, by authority of the clause we are considering, make all "needful rules and regulations;" and if these "rules and regulations" include the power of legislation, why do so unnecessary a thing as to grant in express terms the power of legislation over them?

But it is said that in several cases the Supreme Court has decided that Congress has this power of legislation over the Territories, by virtue of this very grant of power to make all "needful rules and regulations." I should like to comment upon these cases, but my time will not permit me. I can only say, that I believe there is no case in which that tribunal has decided that Congress derives its legislative power over the Territories from any express grant in the Constitution.

I think, therefore, I may assert that no such power of legislation is expressed in the Constitution.

Is this power, then, properly an incident to any express power, and necessary to its execution? The only clauses of the Constitution under which, in this view, this power is claimed, are those which authorize Congress to "declare war," and to "make treaties." Each of these powers includes, and in their exercise will lead, as they have heretofore led, to the acquiring of territory. And this territory, when acquired, must be governed, and governed by Congress, that being the agent that acquired it for the States, and which must govern it for the States. And it is in this way only that Congress obtains its right to legislate for the Territories. But this power of legislation being impliedly vested in Congress only because necessary for the preservation of that which is acquired, is clearly limited to such legislation as is necessary for that purpose. And it would be a flagrant departure from the rule of construction laid down by Mr. Madison, to extend this implied power beyond what is "necessary and proper" for the protection of the territory. And as I take it for granted that no one will contend that the exclusion of slavery from the Territories of the United States is necessary for their preservation and protection, I draw the conclusion that the right to exclude it is not within the scope of the powers of Congress, and that any law enacted by Congress for its exclusion would be unconstitutional and void.

It is said, however, that we must follow the precedent set us by the ordinance of 1787. We must do nothing of the kind, if satisfied that the power is not granted to Congress by the Constitution. This would be to violate the Constitution which we have sworn to support. But how can that

ordinance, enacted as it was prior to the adoption of our Constitution, be used as a precedent by which to interpret that Constitution?

One argument that has frequently been used in support of the ordinance of 1787, is, that as Virginia, before the cession, had the right to exclude slavery from the north western Territory, this right was properly exercised by the old Congress; it, by the cession, having been invested with all the rights and powers which before belonged to Virginia. I must confess I never felt the force of this reasoning: first, because I doubt the right of an ordinary Legislature to declare that not to be property which before was property; and secondly, because no such power was conferred by the States upon the Confederation, and it could only exercise such powers as were granted to it. I therefore regard the ordinance of 1787 as an act of usurpation—a beacon to warn, not a light to be followed. But this is immaterial—for when the clause excluding slavery was first proposed, it did not receive the vote of a single southern State. Nor did this exclusion prevail until several years afterwards, when it was coupled with the power to reclaim fugitive slaves. And (to adopt a suggestion made some years since by a very distinguished Senator from South Carolina, whose present serious indisposition is sincerely regretted, I am sure, by every member of this House) to obtain its passage, advantage was taken of the inconvenience to which the South was subjected for want of such a provision; and it is scarcely fair to bring forward, as worthy of imitation, an enactment which had its origin in such a source.

And then again, it is said that, by the Missouri compromise, (most improperly so called,) the South is estopped from raising this objection. But, in reply, it should be remembered that that law was forced upon us by northern votes, and its enactment can no more prove the constitutional power of Congress to exclude slavery from the Territories, than the law to establish a United States bank determines the constitutionality of a bank. But the South has submitted to that compromise! It has, and it is yet willing to extend the line of separation to the Pacific. Having been overpowered in the struggle which preceded its adoption, it is still willing to yield to the principles then determined on for the division of the Territories, in place of again engaging in a strife, in which it would most probably be again defeated.

Whilst on this subject, I will very briefly allude to a view which I have often heard presented by those who claim absolute power for Congress over the subject of slavery in the Territories; and that is, that the acquisition of territory was not within the contemplation of the framers of the Constitution, and that therefore the powers of Congress over acquired Territories are not restricted by the Constitution. If the fact here asserted were true, (which I by no means admit, for I cannot believe that the statesmen of that day did not foresee the necessity of at least so much additional territory as would secure to us the command of the Mississippi river,) it would by no means establish the proposition contended for. It would leave us no other alternative than to make such a disposition of the territory as would be fair and just between the different States whose common treasure had purchased it, or such as the parties to the Constitution would themselves most probably have made,

had this subject been then brought under their consideration.

For these various reasons I think I have some ground for saying that the North has not made out its constitutional right to enact the laws with which they threaten us, and that I am justified in the declaration that their continued efforts to pass such laws have been, in spirit and in fact, *aggressive* upon the rights of the southern States.

But the opinion has been frequently expressed on this floor, and seems to be a very general one in portions of the country, that as to the Territories which we have acquired from Mexico by our late treaty of peace and boundaries with her, (and it is as to these Territories only that this power in Congress over the subject of slavery has any practical bearing at this time,) the old Mexican laws abolishing slavery still prevail there, and prohibit its existence; that therefore the South ought to yield to the insertion of a clause prohibiting slavery into all bills for the government of these territories, because by so doing it in fact yields nothing.

But if this opinion be sound, which I by no means assent to, why should the North insist upon such a provision, and insist so strenuously as to defeat every territorial bill which does not contain such a provision? Is it merely to obtain a victory over the States of the South? Or is it for the purpose of establishing another precedent by which to bind us on some future day? Or is it because it has no confidence in the opinion it so boldly advances? One thing is certain, that slavery is either excluded from these Territories by this Mexican or local law, or it is not. If it is so excluded, there is no necessity to exclude it by act of Congress. If it is not so excluded, such an act would be unjust, as it would virtually deny to one portion of the Confederacy a right which it would confer upon another—the right to enter upon, and possess, and cultivate the public lands in those Territories.

And what, sir, was the spectacle presented to the nation but the other day, when an attempt was made to force through this House, without debate, a resolution instructing one of our committees to report a bill for the admission of California as a State into this Union, and expressly prohibiting that committee from connecting with that subject any regulations or provisions respecting our other Territories! Yes, sir, although California claims to come into this Union with boundaries very objectionable—her sea-coast extending over nine hundred miles, reaching as far as from Boston to Savannah—yet under this resolution we were not to be allowed the privilege of discussing the propriety of admitting her with such disproportioned limits;—we were not to consider whether this would be just or unjust to those of our citizens who occupy other portions of that western territory. And although we have good reasons for suspecting that the Executive has, in connection with this California constitution, been guilty of usurpation, and has arrogated to himself powers which belong to Congress alone, the representatives of the people were to be prohibited from freely canvassing his conduct, and

deciding what measures the public safety demanded to protect our constituents from a repetition of such unlawful attempts. The admission of California, the great measure of the session, was to be forced through by a denial of the dearest right of this body, the right of free discussion upon public men and public measures; and the representatives of the people, under the operation of a gag, were to be degraded into mere machines to register the will of an arbitrary, unreasoning majority. But, sir, the prohibitory clause of that resolution explains everything. It shows that there are factionists here unwilling to discuss public measures, and fully as unwilling to enter upon an attempt to settle the various matters of difficulty and dispute which divide us sectionally, producing alarm and uneasiness throughout the country, and causing many a patriot to fear that the sacrifices we made for liberty and for union in years that have passed, were made in vain.

Mr. Chairman, I had intended to make some comment upon the great revolution in the public sentiment of the North upon this slavery question, which the last few years have brought about. I had intended to have brought to your notice the public acts and writings of Van Buren, of Wright, Paulding, and others, and to have asked why this entire change of opinion. But I fear, sir, that I am fatiguing both you and the committee.

Some twelve or fourteen years ago we had in the North many gallant supporters and defenders of our rights. From all that I can learn, they have one by one deserted us, until now those still true to us, and (I say it intending no disrespect to any one) still true to the principles of the Constitution, by the very strangeness of their attitude more strongly mark the almost universal defection. Whilst we regret the desertion of those who once occupied so large a space in our regards, let us, "with hooks of steel," grapple to us the few yet left. Amongst these I am sure I may include a distinguished Senator from Michigan, [Mr. Cass,] and a no less distinguished Senator from New York, [Mr. Dickinson,] and I trust, that before this session closes, many northern representatives in this chamber will, for the sake of peace and to preserve the Union, range themselves with us under the only banner beneath which confederated republics can safely form, the banner of *Equality of rights, and of Abstinence from the exercise of all doubtful powers.*

News of the most cheering kind has already reached us from the North. And let the tempest rage here as loud as it may, I shall hope on to the last that that devotion to the Union, which we are told is so wide-spread a feeling at the North, will lead to more moderate measures here, and be the means of saving the Union.

But should I be disappointed in this hope—should aggression be accumulated upon aggression, and wrong upon wrong—it is not for me to predict what line of conduct Virginia will pursue. That is not within the province of any of her representatives here. That she will determine for herself in convention of her people; and that determination once made will be binding upon all her sons.





